LIMITED STATES DISTRICT COLIDT

SOUTHERN DISTRICT OF NEW YORK	
JEREMY LEVIN and DR. LUCILLE LEVIN,	x :
Plaintiffs,	: Case No. 09-Civ5900 (RPP)
V	: (FILED PARTIALLY UNDER SEAL DUE TO CONFIDENTIAL : INFORMATION PER ORDER
BANK OF NEW YORK, et al.,	: DATED JANUARY 21, 2010)
Defendants.	· ; v
THE BANK OF NEW YORK MELLON, et al.,	-X : :
Third-Party Plaintiffs,	; ;
v.	· :
STEVEN M. GREENBAUM, et al.,	· :
Third-Party Defendants.	
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the accompanying Local Rule 56.1 Statement of Material Facts, the accompanying Declaration of James L. Bernard, dated September 13, 2010, and the exhibits thereto, Third-Party-Defendants-Judgment Creditors Steven M. Greenbaum, on behalf of himself individually and as Administrator of the Estate of Judith (Shoshana) Lillian Greenbaum, deceased, Alan D. Hayman, and Shirlee Hayman (the "Greenbaum Judgment Creditors") and Carlos Acosta, Maria Acosta, Irving Franklin, Estate of Irma Franklin, Sonya Kahane, Cipporah Kaplan, Tova Ettinger, Baruch Kahane, Ethel Griffin as Administrator of Binyamin Kahane's Estate, and Rabbi Norman Kahane (the "Acosta Judgment Creditors") (collectively, the "Greenbaum and Acosta Judgment Creditors") will move this Court, before the Honorable Robert P. Patterson, Jr., United States

District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on September 29, 2010 at 9:30 a.m. or at a date and time to be determined by the Court, in Courtroom 24A, for an Order granting the Greenbaum and Acosta Judgment Creditors summary judgment on the Phase One Assets in this litigation, and granting such other and further relief as this Court deems just and proper.

Dated: New York, New York September 13, 2010

STROOCK & STROOCK & LAVAN LLP

By: <u>/s/</u>

Curtis C. Mechling James L. Bernard Jeremy S. Rosof Benjamin Weathers-Lowin 180 Maiden Lane New York, New York 10038-4982 (212) 806-5400

Attorneys for the Greenbaum and Acosta Judgment Creditors